

HOUSE BILL REPORT

SHB 2958

As Passed Legislature

Title: An act relating to violations of rules concerning nontoxic shot.

Brief Description: Penalizing persons who violate rules concerning the use of nontoxic shot.

Sponsors: By House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives B. Sullivan, Buck, Kessler, Orcutt, Blake, Kretz, Hunt, Chandler, Upthegrove and Dickerson).

Brief History:

Committee Activity:

Natural Resources, Ecology & Parks: 1/27/06, 2/2/06 [DPS].

Floor Activity:

Passed House: 2/13/06, 98-0.

Passed Senate: 3/3/06, 39-10.

Passed Legislature.

<h3>Brief Summary of Substitute Bill</h3>

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| <ul style="list-style-type: none">• Creates additional penalties for individuals convicted of the unlawful hunting of birds because of a failure to abide by a Fish and Wildlife Commission rule regarding the use of non-toxic shot. |
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HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives B. Sullivan, Chair; Upthegrove, Vice Chair; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake, Chandler, Dickerson, Eickmeyer, Hunt, Kagi and Orcutt.

Staff: Jason Callahan (786-7117).

Background:

State regulation of toxic shot

The Legislature has vested the Fish and Wildlife Commission (Commission) with the authority to adopt, amend, and repeal rules that deal with the equipment and methods that may be used in the state for taking wildlife and fish. The Commission has exercised this authority to prohibit the use of toxic shot in many of the state's wildlife areas and when hunting for waterfowl, coot, or snipe.

Unlawful hunting of wild birds

The crime of unlawful hunting of birds may be charged if an individual violates any Commission rule addressing the manner or method of hunting wild birds. The unlawful hunting of birds is prosecuted as a misdemeanor.

Misdemeanors are punishable by up to 90 days in jail and a fine of up to \$1,000.

Fish and Wildlife Enforcement Reward Account

The Fish and Wildlife Enforcement Reward Account receives the revenues generated from the assessment of criminal wildlife penalties relating to the unlawful hunting of big game. Funds in the account may be used by the Commission for wildlife enforcement, including the investigation and prosecution of fish and wildlife offenses and providing rewards to informants.

Summary of Substitute Bill:

Individuals age 16 or older who are convicted of the unlawful hunting of birds because of a failure to abide by a Commission rule regarding the use of non-toxic shot face penalties in addition to the standard penalties for a misdemeanor. The additional penalties include:

- a two-year revocation of the person's small game hunting privileges; and
- \$1,000 criminal wildlife penalty assessment.

The convicting court must apply the full criminal wildlife penalty assessment in addition to any other fines or sentences. All assessments collected must be deposited into the Fish and Wildlife Enforcement Reward Account.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support of original bill) Swans and other waterfowl are dying because of the use of toxic shot. People are still using toxic shot illegally, and the current penalties have proved insufficient as a deterrence. Increasing the penalties is a good way to increase compliance with the rules.

Past contentious debates on this issue have resulted in finding common ground between the various stakeholders. Education efforts have been ongoing, but stiffer penalties will signal a zero tolerance of the use of toxic shot.

Testimony Against: None.

Persons Testifying: (In support of original bill) Martha Jordan, The Trumpeter Swan Society; Ed Owens, Hunters Heritage Council; Heath Packard, Audubon Society; and Bill Hebner, Department of Fish and Wildlife.

Persons Signed In To Testify But Not Testifying: None.